IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.7175 OF 2004

Mr.S.A.Sawant for the Petitioner.

Mr.Pankaj J. Das for Respondent.

Office Notes, Office Memoranda of Coram, appearances, Court's order or directions	Court's or Judge's orders
	CORAM: D.K.DESHMUKH, J.
	DATED: 6TH JULY,2005

P.C.:

By the order impugned the court has declined to condone the delay in filing the appeal. The delay is of more than two years. The order either condoning the delay or not condoning the delay is in the discretion of the court. Therefore unless it is shown to the writ court that the discretion vested in the court in this regard is abused by the court, the writ petition challenging such order cannot be entertained. In the present case

the appellate court has found that the appellant did not lead any evidence to substantiate that reason given in his application. I do not find that the Appellate court has abused the discretion vested in it. Petition is rejected.

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